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Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: review of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session and its contribution to shaping a gender perspective in the realization of the Millennium Development Goals

Statement by Madre Inc., a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement

1. Madre Incorporated is an international women's human rights organization that works towards a world in which all people enjoy the fullest range of individual and collective human rights; in which resources are shared equitably and sustainably; in which women participate effectively in all aspects of society; and in which people have a meaningful say in decisions that affect their lives. Madre works on a wide range of issues that effect women, including violence against women.

2. Reducing violence against women should be seen as an indicator for achieving Millennium Development Goal 3, on the promotion of gender equality and empowerment of women. The United Nations fact sheet on Goal 3 notes that despite some gains, violence against women remains an obstacle to the achievement of the Goals.[1] According to the Special Rapporteur on violence against women, its causes and consequences, women's role as food providers and carers for their families, together with their general lack of property and labour rights, makes them particularly vulnerable to violence. Gender inequality perpetuates violence against women and hinders women's abilities to advance in education and employment opportunities, which thereby reinforces gender inequality.

3. States have an obligation to promote de facto equality between men and women as well as to provide a legal framework that protects women's human rights, including preventing violence against women. The Secretary-General's study on violence against women concludes that States are not only responsible for directly addressing violence against women but also for "identifying patterns of inequality that could result in violence and taking steps to overcome them".[2]

4. States must address violence against women and bring their national legislation into conformity with international laws and obligations by implementing preventative strategies, ending impunity, initiating or expanding reliable data collection and ratifying the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol without reservation.

Preventative strategies

5. In 2007, in recognizing the growing epidemic of violence against women, the United Nations Committee against Torture recommended that States "adopt legislation and other measures to combat violence against women, within the framework of plans to take measures to prevent such violence, including domestic violence".[3]

6. However, the growing pattern and practice of violence against women remains largely de-prioritized by lawmakers. The minimum laws and policies that do exist on violence against women are often not effectively enforced owing to a lack of awareness and cultural norms that permit or encourage abuses of women's human rights. In May 2009, the Special Rapporteur on violence against women stated that "Responses to violence against women by governments and international

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[1] See *End Poverty 2015, Millennium Development Goal fact sheet*, available at http://www.un.org/millenniumgoals/.

[2] See A/61/122 and Add.1 and Add.1/Corr.1.

[3] See CAT/C/CR/33/2, conclusions and recommendations (Greece, November 2004).

institutions have been fragmented and treated in isolation from the wider concern for women's rights and equality".[4]

7. States should adopt cohesive national plans of action for the elimination of violence against women that include legal measures, service programmes, redress and prevention strategies. States should encourage collaborative participation with the civil sector, including non-governmental organizations, academics, lawyers, educators and advocates for both the drafting of national plans and for their strategic implementation. Prevention goals can be better met through a coordinated community approach that partners societal systems together, such as the legal system (law enforcement, criminal and civil court) with social and advocacy programmes (shelters, schools, public safety and education).

8. Additionally, the officials responsible for the implementation of such programmes and policies, including police, prison and immigration officers, judicial and medical personnel, social workers and educators, must be provided with adequate gender-sensitivity training, including the causes, consequences, forms and legal ramifications of violence against women. Additionally, States should also educate members of society about and access to justice for women and include women in the creation of all awareness-raising and prevention strategies.

9. States should prioritize the prevention of violence against women in national policies and programmes; implement gender-sensitivity trainings for all officials responsible for the implementation of policies and programmes that address violence against women; initiate or enhance awareness-raising and prevention campaigns that incorporate women's perspectives.

Ending impunity

10. When States fail to bring perpetrators to justice and society explicitly or tacitly condones such violence, impunity not only facilitates further abuses, it also normalizes gender violence. The lack of accountability results in further endangerment of women. Furthermore, women lose faith in the justice system as prevailing gender inequalities are reinforced.

11. Guaranteeing that perpetrators of violence against women are held accountable goes beyond increasing penalties for their actions. The State must act with due diligence in preventing violence against women by implementing effective measures to ensure thorough and timely investigation, prosecution and punishment, as well as by providing access to redress for victims. The standard of due diligence is clear in general recommendation No. 19 of the Committee on the Elimination of Violence against Women, which notes that "States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation". In addition, in 2007, the Committee against Torture made it clear in its general comment No. 2 that States must exercise due diligence to prevent, investigate, prosecute and punish gender violence.

12. The State must also review, revise and remove discriminatory laws against women. In situations of conflict, post-conflict and internal displacement, where women are particularly vulnerable to violence, additional measures of protection

[4] A/HRC/11/6, para. 23.

should be put in place. Moreover, women affected by these issues should be involved in all stages of planning, as reflected in Security Council resolutions 1325 (2000), 1880 (2009), 1888 (2009), and 1889 (2009).[5]

13. States should periodically assess current laws, policies and programmes that address violence against women; evaluate their compliance with international obligations; remove discriminatory laws and practices against women; and implement a legal and policy framework that guaranteed due diligence and promotes the full protection and promotion of women's human rights.

Research and data collection

14. While violence against women has gained greater visibility and more government attention, there is a dearth of reliable data on its causes and consequences, and few measures that address root causes of violence or challenge cultural norms that promote the institutionalization of violence such as rape and domestic violence. The treaty bodies have repeatedly expressed their concern that it is critical for States to implement systematic collection of data not only on violence against women but also general data disaggregated by sex. Such data is crucial in determining effective strategies for preventing and redressing violence against women. Without reliable data, the few resources that are allocated to addressing violence against women may be wasted on programmes with little or no impact.

15. According to the Secretary-General's study on violence against women,[2] it is the responsibility of States to ensure the systematic collection and publication of data, including through supporting non-governmental organizations, academics and other actors engaged in research. Non-governmental organizations have been calling on Governments to provide the collection of broader and more accurate data since the 1995 Fourth World Conference on Women, held in Beijing, and all of its reviews. The Secretary-General also advised, in the same report, that data collection on violence against women should be carried out in consultation with a wide range of stakeholders, including data suppliers, advocates and agencies providing services to women, policymakers, legislators and researchers.

16. The most underexamined forms of violence against women include femicides; sexual violence against women in armed conflict and post-conflict situations; trafficking in women for sexual and other exploitation; and hate crimes.[2] Furthermore, few studies have evaluated the effectiveness of preventive measures such as protection orders and mandatory arrests in domestic violence situations.

17. States should enact a systematic collection of data, disaggregated by sex and other relevant factors such as age, race, ethnicity and indigenous status,[6] which documents the prevalence and incidences of all forms of violence against women; its causes and consequences; evaluate the effectiveness of measures that prevent and redress violence against women; and promote research, data collection and analysis in partnership with civil society organizations.

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[5] Security Council resolution 1325 (2000) on women and peace and security affirming "the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security" (see also resolutions 1880 (2009), 1888 (2009), and 1889 (2009) reaffirming).

[6] See *Mairin Iwanka Raya: Indigenous Women Stand Against Violence*, a companion report to the United Nations Secretary-General's study on violence against women (2006).

Ratifying the Convention on the Elimination of All Forms of Discrimination against Women

18. The rights of women are specifically elaborated in international and regional treaties, in particular the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. The Committee on the Elimination of Discrimination against Women has been clear that gender-based violence may breach certain provisions. The Committee mandates States parties to act to protect women against violence of any kind occurring within the family, at the work place or in any other area of social life.

19. States should ratify the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol without reservations; States that have ratified the Convention with reservations should remove them; and States should revise all discriminatory laws against women and implement the Beijing Platform for Action, in accordance with both the Convention and the Optional Protocol.